

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

2014 AUG 25 PM 4 38

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

STEPHAN HARRIS, CLERK  
CHEYENNE

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Criminal Number 14-CR-27-F

JOSEPH RUBEN HILL, et al., )

Defendants. )

**ORDER TO SHOW CAUSE WHY MITCHELL PAUL MODELESKI A/K/A PAUL  
MITCHELL SHOULD NOT BE SEVERED FROM THE CASE**

This matter is before the Court on its own notice that Defendant Mitchell Paul Modeleski a/k/a Paul Mitchell's (Mitchell) status presents scheduling difficulties for a timely disposition for the other defendants in this case. On January 15, 2014, the Grand Jury issued an Indictment against Defendants Joseph Ruben Hill and Mitchell. A series of proceedings followed, culminating in the Court holding a hearing to determine Mitchell's competency on July 10, 2014. At that hearing, and by the Court's Order on Competency Hearing filed July 15, 2014, the Court determined Mr. Mitchell was not competent to stand trial at this time. The Court remanded Mr. Mitchell to the custody of the Attorney General to undertake formal competency restoration procedures. The Court also recommended Defendant be assigned to MCFP Springfield for the restoration procedures.

Based on bed availability, Mr. Mitchell should arrive at MCFP Springfield on September 12, 2014. Pursuant to 18 U.S.C. 4241(d)(1), Mr. Mitchell may remain in Springfield for a "reasonable period of time, not to exceed four months, as is necessary to determine whether there

is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.” 18 U.S.C. 4241(d). While the Court originally set this matter for a status conference on November 10, 2014, given Mr. Mitchell’s late arrival to Springfield, it is unlikely any evaluation will be complete by this date. Likely it will be closer to the first of January, 2015 before the parties are prepared to report back on Mr. Mitchell’s competency.

On July 24, 2014, the Grand Jury issued a Superseding Indictment in this matter, including new Defendants Lucille Kathleen Hill, Lawrence Devin Paille, Stephanie Lenore Maciel and Gloria Jean Reeder. Defendants Lucille Kathleen Hill, James Ruben Hill, Stephanie Lenore Maciel, Gloria Jean Reeder have all appeared in this case and Defendant Paille’s initial appearance/arraignment is set for September 15, 2014. (Doc. 178). This matter is set for trial on October 14, 2014.<sup>1</sup>

The Court does not believe it is necessary or proper to hold up the resolution of this case for all Defendants, while the Court is waiting for a determination of Mr. Mitchell’s competency. For these reasons, the Court intends to sever Mr. Mitchell from this case, allowing this matter to proceed on a normal trial schedule.

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<sup>1</sup> Some Defendants have trial dates for October 13, 2014, but this is Columbus Day, so the trial in this matter will actually start on October 14, 2014. Although the Court recognizes it may be necessary to move this trial date based on Defendant Paille’s appearance in the District.

IT IS ORDERED that the parties have until September 5, 2014 to object to the Court's intention to sever Mr. Mitchell from this case.

Dated this 25 day of August, 2014.

A handwritten signature in black ink, appearing to read "Nancy D. Freudenthal", is written over a horizontal line.

NANCY D. FREUDENTHAL  
UNITED STATES DISTRICT COURT JUDGE